

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-0379 WJ/SMV

**BERNALILLO COUNTY METROPOLITAN
DETENTION CENTER et al.,**

Defendants,

and

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-0582 WJ/SMV

RAMON RUSTIN et al.,

Defendants.

ORDER GRANTING MOTION TO STRIKE

On April 4, 2012, Defendants McMurray and Trapp filed their Motion to Strike Plaintiff's Response to Defendants' Answer to Plaintiff's Civil Complaint [Doc. 48] ("Motion"). Defendants seek to have Plaintiff's [Letter to the Clerk] [Doc. 46] stricken as it amounts to a response to Defendants' Answer, and thus constitutes a pleading not allowed by the Federal Rules of Civil Procedure. Motion [Doc. 48] at 2. Having considered Defendant's Motion, Plaintiff's [Response] [Doc. 50], Defendants' Reply [Doc. 51], and Plaintiff's [Surreply] [Doc. 55], I find that the Motion to Strike is well-taken and should be granted. The Federal

Rules of Civil Procedure do not permit a response to an answer without leave from the court. Fed. R. Civ. P. 7(a)(7). Plaintiff's Letter [Doc.46], therefore, will be stricken from the record.

Individuals are entitled to represent their own interests as pro se litigants in federal court. 28 U.S.C. § 1654; *see also Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986). A pro se litigant, however, is still held to the same rules of practice and procedure that are applicable to any licensed attorney. *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992). Failure to adhere to the rules of procedure or the directives of the Court can result in the imposition of sanctions. *Cohen v. Longshore*, 621 F.3d 1311, 1314 (10th Cir. 2010). The sanctions can include dismissal of litigation, striking pleadings, entry of judgment, or imposition of fines.

To ensure adherence to the Federal Rules of Civil Procedure as well as the District of New Mexico's own local rules, Mr. Ellis should familiarize himself with the Federal Rules of Civil Procedure as well as the Local Civil Rules of the United States District Court for the District of New Mexico to determine the kinds of pleadings authorized. Also, Mr. Ellis should carefully review Fed. R. Civ. P. 11 to ensure full compliance with the requirements of that rule.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Strike Plaintiff's Response to Defendants' Answer to Plaintiff's Civil Complaint [Doc. 48] is hereby **GRANTED**, and Plaintiff's [Letter to the Clerk] [Doc. 46] filed on March 29, 2012, is hereby **STRICKEN from the record**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge